

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOSE URIBE, Defendant.	4:22-CR-40086-KES REPORT AND RECOMMENDATION
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This matter came before the court for a change of plea hearing on Monday, September 11, 2023. The defendant, Jose Uribe, appeared in person and by his counsel, the Assistant Federal Public Defender. The United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States Magistrate Judge. The defendant also waived his right to insist that the government proceed by indictment and consented to prosecution by information. This court finds that the defendant's consents and waivers were both voluntary and upon the advice of counsel. The government also consented to the plea hearing before a magistrate judge. Further, the parties waived their right to object to the report and recommendation.

Defendant has reached a plea agreement wherein he intends to plead guilty to the amended superseding information which charges him with

conspiracy to commit carjacking in violation of 18 U.S.C. §§ 371 and 2119; and with use and brandishing of a firearm during the commission of a crime of violence in violation of 18 U.S.C. § 924(c). At the hearing, the defendant was advised of the nature of the charges to which the defendant would plead guilty and the maximum penalties applicable.

Defendant was advised that conspiracy to commit carjacking carried a maximum penalty of up to 5 years in prison, a \$250,000 fine or both, a period of supervised release of 3 years, and 2 years if supervised release was revoked.

Defendant was advised the crime of use or brandishing a firearm during the commission of a crime of violence entails a mandatory minimum term of incarceration of 7 years which must be served consecutive to any term of imprisonment imposed on the conspiracy to commit carjacking charge, a \$250,000 fine; or both; 5 years supervised release; an additional 3 years imprisonment if supervised release is revoked; and a \$100 special assessment.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to the amended superseding information is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the

offense. It is my report and recommendation that the defendant's plea of guilty be accepted and that he be adjudged guilty of that offense.

DATED this 11th day of September, 2023.

BY THE COURT:



VERONICA L. DUFFY
United States Magistrate Judge